

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 189
95TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, February 12, 2009, with recommendation that the Senate Committee Substitute do pass.

1103S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 84.830, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 84.830, to read as follows:

84.830. 1. [No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board.] No officer, agent, or employee of the police department of such cities shall permit **or perform** any [such] solicitation **of any assessment, contribution, or payment for any political purpose** in any building or room occupied for the discharge of the official duties of the said department. [No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2.] No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 or employee in the service of said department or member of the police board shall
20 use his official authority or influence for the purpose of interfering with any
21 election or any nomination for office, or affecting the result thereof. No officer or
22 employee of such department shall [be a member or official of any committee of
23 any political party, or be a ward committeeman or committeewoman, nor shall
24 any such] **hold a partisan political office. No officer or employee shall solicit**
25 **any person to vote for or against any candidate for public office, or "poll precincts"**
26 **or be connected with other political work of similar character on behalf of any**
27 **political organization, party, or candidate while on duty, in uniform, or**
28 **wearing any clothing or accessory with symbols, insignias, or words**
29 **indicating his or her employment with the police department.** All such
30 persons shall, however, retain the right to vote as they may choose and to express
31 their opinions on all political subjects and candidates.

32 [3.] 2. No person or officer or employee of said department shall affix any
33 sign, bumper sticker or other device to any property or vehicle under the control
34 of said department which either supports or opposes any ballot measure or
35 political candidate.

36 [4.] 3. No question in any examination shall relate to political or
37 religious opinions or affiliations, and no appointment, transfer, layoff, promotion,
38 reduction, suspension, or removal shall be affected by such opinions or
39 affiliations.

40 [5.] 4. No person shall make false statement, certification, mark, rating,
41 or report with regard to any tests, certificate, or appointment made under any
42 provision of sections 84.350 to 84.860 or in any manner commit or attempt to
43 commit any fraud preventing the impartial execution of this section or any
44 provision thereof.

45 [6.] 5. No person shall, directly or indirectly, give, render, pay, offer,
46 solicit, or accept any money, service, or other valuable consideration for or on
47 account of any appointment, proposed appointment, promotion to, or any
48 advancement in, a position in the service of the police departments of such cities.

49 [7.] 6. No person shall defeat, deceive, or obstruct any person in his right
50 to examination, eligibility, certification, appointment or promotion under sections
51 84.350 to 84.860, or furnish to any person any such secret information for the
52 purpose of affecting the right or prospects of any person with respect to
53 employment in the police departments of such cities.

54 [8.] 7. Any officer or any employee of the police department of such cities

55 who shall be found by the board to have violated any of the provisions of this
56 section shall be discharged forthwith from said service. It shall be the duty of the
57 chief of police to prefer charges against any such offending person at once. Any
58 member of the board or of the common council of such cities may bring suit to
59 restrain payment of compensation to any such offending officer or employee and,
60 as an additional remedy, any such member of the board or of the common council
61 of such cities may also apply to the circuit court for a writ of mandamus to compel
62 the dismissal of such offending officer or employee. Officers or employees
63 discharged by such mandamus shall have no right of review before the police
64 board. Any person dismissed or convicted under this section shall, for a period
65 of five years, be ineligible for appointment to any position in the service of the
66 police department of such cities or the municipal government of such cities. Any
67 persons who shall willfully or through culpable negligence violate any of the
68 provisions of this section may, upon conviction thereof, be punished by a fine of
69 not less than fifty dollars and not exceeding five hundred dollars, or by
70 imprisonment for a time not exceeding six months, or by both such fine and
71 imprisonment.

Bill ✓

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